

REMARKS

Claims 1, 8, 11, and 18 have been amended. Accordingly, claims 1, 2, 4–14, and 18-28 are currently pending in the application, of which claims 1, 8, 11, and 18 are independent.

Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification.

Entry of the Amendment is proper under 37 C.F.R. §1.116 because it (a) places the application in *prima facie* condition for allowance for the reasons discussed herein; (b) does not raise new issues requiring further search and/or consideration because similar subject matter was previously considered by the Examiner; and (c) places the application in better form for appeal, should an appeal be necessary. For at least these reasons, entry of the present Amendment is respectfully requested. Accordingly, Applicant requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. § 112, first paragraph

Claims 1, 2, 4-14, and 18-28 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses this rejection for at least the following reasons.

Generally, the requirements of 35 U.S.C. §112, first paragraph, are that the written description demonstrate to one of ordinary skill in the art that the inventor is in possession of the invention itself. Union Oil Co. v. Atlantic Richfield Co., 54 USPQ2d 1227, 1232-33 (Fed. Cir. 2000), In re Hayes Microcomputer Prods., Inc. Patent Litigation, 25 USPQ2d 1241, 1245 (Fed. Cir. 1992). In addition, the mere fact that the words used in the claims are not used in the specification *in haec verba* by using the same words does not necessarily mean that the specification does not describe the subject matter of the invention. MPEP 2163.02. As such, the requirements of 35 U.S.C. §112, first paragraph, do not demand that all details of an

invention must be put forth in the written description using the same descriptive terminology. Instead, the question is whether the written description provides sufficient details of the invention such that the disclosure "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." In re Hayes Microcomputer Products, Inc. Patent Litigation, 25 USPQ2d at 1245 quoting Vas-Cath Inc. v. Mahurkar, 19 USPQ2d 1111, 1116 (Fed. Cir. 1991); see, Union Oil Co. v. Atlantic Richfield Co., 54 USPQ2d at 1233.

Here, such details for the features of claims 1, 8, 11, and 18 are provided in FIG. 2 and at least at:

1. Page 11 at lines 19-22: "if the received incoming message is a short message, the base alarm information may include identifications of the calling/called mobile communication terminals 10 and 90 and optionally a content of the short message." (emphasis added).
2. Page 13 at lines 20-24: "if the incoming message is a short message, the incoming message alarming information may include the identification of the calling mobile communication terminal 10 and optionally the content of the short message." (emphasis added).
3. Page 15 at line 23 – page 16 at line 6: "When the incoming message alarming information is received from the messenger server 50 over the Internet 70, an incoming message alarming window is created on the personal computer 80, as shown in FIG. 2. Through the incoming message alarming window, the incoming message alarming information indicating that the called mobile communication terminal 90 is being called or a short message is arriving at the called mobile communication terminal 90 is displayed." (emphasis added).

4. Page 18 at lines 10-15: "if the incoming message is a short message, the incoming message alarming information includes the identification of the calling mobile communication terminal 10 and optionally the content of the short message." (emphasis added).

These cited portions of the specification support at least "the personal computer displays a content of the incoming message when the second notification message is received." Individually and collectively, these cited portions of the specification, together with the remainder of the specification, "reasonably convey to one skilled in the relevant art that the inventor, at the time application was filed, had possession of the claimed invention." Thus, the claims are supported by the specification in compliance with the written description requirement of 35 U.S.C. § 112, first paragraph.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112, first paragraph rejection of claims 1-2, 4-14, and 18-28.

Rejections Under 35 U.S.C. § 103

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. 1, 17-18 (1966).

In view of these four factors, the analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007). The Federal Circuit requires that "rejections on obviousness cannot be sustained with mere

conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

Finally, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest every claimed feature. See *in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1, 2, 4, 8-14, and 18-26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0111167 applied for by Nguyen *et al.* ("Nguyen"), and further in view of U.S. Patent No. 6,493,431 issued to Troen-Krasnow, *et al.* ("Troen-Krasnow"), and further in view of U.S. Patent Application Publication No. 2001/0043591 applied for by Nance, *et al.* ("Nance").

But even if the cited references could be combined, the combination fails to disclose every feature of the claims as amended. Claim 1 as amended recites, in relevant part:

wherein the incoming message comprises data communications, and the personal computer displays a content of the incoming message when the second notification message is received.

In rejecting claim 1, the Examiner argues that Troen-Krasnow teaches "wherein ... the personal computer displays a content of the incoming message when the second notification message is received." Office Action, page 4-5. Troen-Krasnow discloses the capture of telephone calls and the transmission of a notification that a call has been received. Col. 4, ln. 18-21 and Col. 5, ln. 1-4. Further, the notification provided Troen-Krasnow includes a text message "listing the time of the call, the date and the calling party's telephone number" or "a streaming audio file storing the voice message left by the calling party." Col. 5, ln. 14-20. However, the system of Troen-Krasnow does not display a "content" of "data communications"

as recited in claim 1 as amended. Nguyen and Nance fail to cure this deficiency. Thus, even if combined, these combined references fail to disclose every feature of the claim as amended.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claim 1. Claims 8, 11, and 18 have been amended consistently with claim 1. Accordingly, for at least these same reasons, even if the cited references could be combined, the combination fails to disclose every feature of claims 8, 11, and 18 as amended.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1, 8, 11, and 18. Claims 2, 4, 9-10, 12-14, and 19-26 each depend from one of allowable independent claims 1, 8, 11, and 18 and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicant submits that independent claims 1, 8, 11, and 18, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. § 103

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nguyen, further in view of Troen-Krasnow, further in view of Nance, and still further in view of U.S. Patent Application Publication No. 2004/0253975 applied for by Shiraogawa, *et al.* ("Shiraogawa"). Applicant respectfully submits that claim 1 is allowable over Nguyen, further in view of Troen-Krasnow, further in view of Nance, and Shiraogawa fails to cure the deficiencies noted above with regard to claim 1. Hence, claims 5-7 are allowable at least because they depend from an allowable base claim.

Rejections Under 35 U.S.C. § 103

Claims 27-28 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nguyen, further in view of Troen-Krasnow, further in view of Nance, and still further in view

of well known prior art (MPEP 2144.03). Applicant respectfully traverses this rejection for at least the following reasons.

Applicant respectfully submits that claim 1 is allowable over Nguyen in view of Troen-Krasnow, further in view of Nance, and the alleged "well known prior art" fails to cure the deficiencies noted above with regard to claim 1. Hence, claims 27-28 are allowable at least because they depend from an allowable base claim.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the grounds for rejection have been overcome or rendered moot. Accordingly, all pending claims are allowable, and the application is in condition for allowance.

The Examiner is invited to contact Applicant's undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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